

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Tuesday, April 12, 2016, at 7:00 pm in the Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll Call**

04/12/2016 7:00:54 PM

Roll call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**Presentation: AmeriCorps – Steve Frodl**

Steve Frodl introduced AmeriCorps members present, distributed the new brochure and played a video showcasing what the organization does in the community.

**Public Comment (Pre-registered citizens for matters appearing on the agenda)**

- 1) Bobbie Burk, 1002 N 2<sup>ND</sup> Ave, spoke to appeal the denial recommendation for an Operator License. She stated the charge on her record happened nine years ago and she is trying to leave a bad home situation. The job is only for night time closing which requires an Operator’s License.
- 2) Carol Wesley, Director of the Achieve Center, stated she wished to respectfully correct statements made by the Interim Assessor regarding not meeting the burden of proof as a benevolent organization due to insufficient information. She explained how much information they sent to former Assessor Giese. She provided examples of all of the services they provide to families for free or at sliding scale for children with special needs.

**Communications & Committee Reports**

None

**Suspend the rules**

04/12/2016 7:21:55 PM

Motion by Neal, second by Rasmussen to suspend the Rule 1(D) Transmission of Committee Business to Council for the items marked pending committee action (2/3 vote required).

Yes Votes: 11    No Votes: 0    Result: PASS

**16-0214**

04/12/2016 7:46:30 PM

Motion by Neal, second by Mielke to adopt a Resolution of the Finance Committee approving alleged claim for recovery of unlawful tax - Achieve Center, Inc. (520 N. 28<sup>th</sup> Avenue).

Neal indicated he supported this resolution; Rasmussen cautioned action based on emotion and setting of precedent. Abitz requested the City Attorney’s position and the reasons for the no vote by committee members.

Jacobson stated the Council does not have the authority to declare them exempt from future property taxes, but does have the authority to grant their claim for unlawful taxes that they paid. She opined that they did not meet their burden of proof. She explained there are several things they need to meet. We do believe they meet the definition of a benevolent organization and they do own and exclusively use the property, which is the second criteria; however, the issue is whether providing rehabilitation services to disabled children qualifies as a benevolent use. This requirement is whether the property is used for exempt purposes and simply using it for the provision of medical care and rehabilitation services is not in and of itself, by case law, a benevolent use. The actual use of the property is the conclusive factor and on their exemption form dated August 10, 2015, they indicated that only 5% of their recipients received free services and 10% received services at a discount. She stated we were not given financial statements or policies to confirm or support the assertions being made about the use of the property and therefore did not meet their burden of proof.

Neal disagreed and believed the claimants had met all three requirements. Wagner stated the services they provide are not performed or offered by anyone else and it was not an emotional decision on his part. He felt we should give them back the percentage of their tax for the part they are using and let discretion rule on their side this time.

Oberbeck did not feel they should go against the City Assessor and the Board of Review, but let it go through the proper process onto circuit court. Jeremy Ray reiterated the reasons for the recommendation of denial. Nutting indicated he voted no at committee based on the facts. Discussion followed.

Yes Votes: 6      No Votes: 5      Abstain: 0      Not Voting: 0      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	NO
4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**16-0301** 04/12/2016 7:47:31 PM

Motion by Mielke, second by Neal to approve the minutes of previous meeting(s). (3/01/2016)

Yes Votes: 11      No Votes: 0      Result: PASS

**16-0403** 04/12/2016 7:49:15 PM

Motion by Wagner, second by Nutting to confirm the Mayor's appointments to the Ethics Board.

*Mielke indicated he would abstain from voting as he was the target of the probe by the board.*

Yes Votes: 10      No Votes: 0      Abstain: 1      Not Voting: 0      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	ABS

**16-0108 Amendment** 04/12/2016 7:53:49 PM

Motion by Neal, second by Nutting to remove Bobbie Burk's Operator license application from the license list for separate consideration.

Rasmussen commented, as Chair of Public Health & Safety Committee, every month we have applicants recommended for denial by the police department. We have set criteria that the chief uses when he makes his recommendation for a denial and every time that we circumvent that criteria and approve those licenses, we essentially erode the credibility of the criteria. We have it for a reason and she asked them to stick to it. She noted while we may sympathize with Ms. Burk's situation, her conviction was a felony and PH&S is not in the business of licensing felons to dispense alcohol.

Yes Votes: 5      No Votes: 6      Abstain: 0      Not Voting: 0      Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

Nagle commented the conviction was nine years ago and that was a long time; he felt they should have approved her application. Neal stated the police department is using criteria because we make them, but the committee and Council can look at these on a case by case basis and judge extenuating circumstances and take it to a different level of consideration than the police are allowed to. Discussion followed.

Neal questioned if they could reconsider this. Jacobson stated under Council Rule # 10 any member of the prevailing side may move for immediate reconsideration.

**16-0108 Reconsider Previous Action**

04/12/2016 8:02:37 PM

Motion by Mielke, second by Neal to reconsider the question of removing Bobbie Burk's application from the license list.

Yes Votes: 7      No Votes: 4      Abstain: 0      Not Voting: 0      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	NO
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	YES
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	YES

**16-0108**

04/12/2016 8:04:19 PM

Motion by Mielke, second by Nutting to deny the Operator's license for Bobbie Burk's as recommended by staff and committee.

Yes Votes: 5      No Votes: 6      Abstain: 0      Not Voting: 0      Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NO
2	Wagner, Romey	YES
3	Nutting, David E.	NO
4	Neal, Tom	NO
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	NO

*Clarification: The result of this vote is that Bobbie Burk's license is granted.*

Motion by Neal, second by Rasmussen to adopt a resolution of the Public Health & Safety Committee approving or denying various licenses as indicated (with the exception of Bobbie Jo Burk).

Yes Votes: 11 No Votes: 0 Result: PASS

Motion by Nutting, second by Wagner to adopt a resolution of the Economic Development Committee approving sale of 710 Jefferson Street.

Oberbeck questioned what the property value was before and what we have invested into it. Tammy Stratz stated the property was purchased back in 2013 with a building on it and a total assessment of approximately \$70,000. We bought it for \$20,000 because it was a foreclosure with a lot of damages; the land value then was about \$16,000. Land is valued more when there is a building on it with utilities versus a vacant lot with no utilities. The building is gone and there are no utilities now. Oberbeck commented we are basically selling it at less than value after doing demolition on it and not returning it to a higher and better use. Stratz explained the lot is a non-conforming lot making it more difficult to build on.

Yes Votes: 10 No Votes: 1 Abstain: 0 Not Voting: 0 Result: PASS

District	Aldersperson	Vote
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	NO
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

Motion by Nutting, second by Mielke to adopt a resolution of the Economic Development Committee approving sale of 919 Jefferson Street.

Oberbeck posed the same questions regarding this property. Stratz explained we helped the previous owner of this property to rehab about 25 plus years ago. The individual became elderly and ill and moved to a nursing home and because of the condition of the property the owner's children were not able to sell it. They deeded back the property to the city and we put it out for bid. The person who is purchasing it is going to be rehabbing it and be obligated to sell to an income-qualifying home owner.

Nagle congratulated Tammy Stratz, Community Development, on a job well done in handling these properties.

Yes Votes: 11 No Votes: 0 Result: PASS

Motion by Nutting, second by Neal to adopt a resolution of the Economic Development Committee approving sale of 402 Chicago Avenue.

Oberbeck stated he researched this property and in 2013 it was worth \$79,800 and it was sold and we demolished it. Stratz pointed out the property was donated to us from the land owner. He worried about the fact that we are not infilling these urban neighborhoods. It is a block away from Biggby Coffee and the Bridge Street corridor, yet we're willing to say we don't expect anything to develop in that neighborhood. It is going to be used for a garden and he did not feel we should give up on neighborhoods that have potential. Rasmussen agreed and felt this property was usable and could have a higher and better use.

Neal stated it was on the market and the buyer came to us with an offer to improve the lot and possibly expand his garage, as well as the garden. Stratz pointed out she offered the properties to Habitat for Humanity and Fresh Start and was unable to sell them. Discussion followed. Nagle called the question, seconded by Neal, motion carried unanimously.

Yes Votes: 7 No Votes: 4 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	YES
9	Oberbeck, David	NO
10	Abitz, Sherry	YES
11	Mielke, Robert	NO

**80-1146**

04/12/2016 8:22:37 PM

Motion by Rasmussen, second by Nagle to adopt a resolution of the Economic Development Committee authorizing the transfer of former City right-of-way and City-owned land at the end of the former South 80<sup>th</sup> Avenue to Wayne & Deborah Johnson to allow access to the new realigned roadway.

Yes Votes: 11 No Votes: 0 Result: PASS

**11-1214**

04/12/2016 8:26:45 PM

Motion by Nutting, second by Neal to adopt a Joint Resolution of the Economic Development and the Finance Committees approving the purchase of 120 Scott Street and the related promissory note of \$1,609,779 with the Judd S. Alexander Foundation and the modification to the 2016 Budget.

Yes Votes: 10 No Votes: 1 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	NO
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**16-0410**

04/12/2016 8:31:10 PM

Motion by Neal, second by Rasmussen to adopt a Joint Resolution of the Economic Development and the Finance Committee approving the City to sell approximately 1.9 acres and provide construction loan financing to Blenker Companies, Inc. for the construction of the River East Brownstones project in the vicinity of 3<sup>rd</sup> and 2<sup>nd</sup> Streets at Short Street and related Budget Modification.

Yes Votes: 11 No Votes: 0 Result: PASS

**15-1109**

04/12/2016 8:31:52 PM

Motion by Mielke, second by Neal to adopt a Resolution of the Finance Committee approving Modification of the 2016 Budget - Capital Project Funds and General Fund.

Yes Votes: 10 No Votes: 1 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES

6	Winters, Keene	NO
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**15-1109**

04/12/2016 8:32:40 PM

Motion by Wagner, second by Mielke to adopt a resolution of the Finance Committee authorizing modification of the 2016 budget for the purchase and installation of an exhaust system in the city fire stations funded 90% with grant funds.

Yes Votes: 11 No Votes: 0 Result: PASS

**15-1109**

04/12/2016 8:35:00 PM

Motion by Neal, second by Nutting to adopt a resolution of the Finance Committee authorizing modification of the 2016 budget for the installation of sidewalk on the corner of 4th and Scott Street.

Yes Votes: 11 No Votes: 0 Result: PASS

**16-0407**

04/12/2016 8:36:17 PM

Motion by Abitz, second by Neal to adopt a resolution of the Finance Committee approving the election of the OMB Circular 2 CFR Part 200.141(f) Indirect Cost Rate De Minimus Election of 10%.

Yes Votes: 11 No Votes: 0 Result: PASS

**16-0408**

04/12/2016 8:36:59 PM

Motion by Wagner, second by Mielke to adopt a Resolution of the Finance Committee authorizing a Community Development application for Wisconsin Housing and Economic Development Authority (WHEDA) Foundation Grant.

Yes Votes: 11 No Votes: 0 Result: PASS

**16-0409**

04/12/2016 8:58:44 PM

Motion by Rasmussen, second by Nagle to adopt a resolution of the Finance Committee approving termination of contract between VGSI and CCITC for assessment software.

Oberbeck stated we are already almost 21 months into this project with VGSI and the Council needs to know how this software compares with the replacement of it. We can't just terminate a contract and there will be costs associated with this along with the significant amount of money that has already been invested. We have waited this long and he didn't think we should just throw it out the door now. He indicated the features of this software offers a lot and urged the Council not to terminate the contract and give them until October 19, 2016 when they say they will have it totally operational.

Jeremy Ray, Interim Assessor, stated we were promised a product that offered a lot of functionality that we wanted; the problem is it is not coming to fruition. There is no confidence that this organization is going to provide the product that they promised in a timely fashion. He found in discussion with other assessors that some communities have been waiting four years to get something that works. He did not think we should wait any longer, should cut ties and not give them any more money.

Rasmussen agreed with Finance Committee that we have invested a lot of money and time into this contract and now that the vendor says they can finish by October, we should stay the course. Something that gives us the ability to source individualized data about neighborhoods and properties to the extent that this would, helps us to analyze trends so we can figure out where we need to invest in our core neighborhoods. She did not want to waste all the money that has already been invested.

Gerry Klein stated he was convinced that this vendor is just not able to perform. His fear in waiting until October is that they will do what they have in the past. He pointed out we signed 23 months ago with this vendor when they said they would be done in eight months. They missed that date so we gave them until June 2015 and they missed that date; we gave until August, they missed that date; we sent a letter telling them they had absolutely had to be done by December 31, 2015, they were not. In February they said they would give us a project plan having us finished in June 2016, but they came back and said they can't make that date either. He was concerned that they will ask for more payments if we stay with them. He reviewed what other communities have gone to.

Yes Votes: 3 No Votes: 8 Abstain: 0 Not Voting: 0 Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	NO
3	Nutting, David E.	NO
4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	YES
11	Mielke, Robert	NO

**Introductory to 16-0316A, 16-0316B, 16-0316C**

Jim Mann, Ehlers & Associates, stated we conducted three public sales today on the city's behalf. The first one was the 2016A issue, which ended up being for \$8,705,000. He indicated they received four bids and the winning bidder was Hutchinson, Schokey Erley & Co., out of Chicago, IL, at true interest cost of 1.55%, for a 10 year note. The results will end up impacting the city taxpayers approximately \$140,000 less than what we had shown in our planning document.

Mann stated the second issue was for \$6,530,000 of General Obligation Corporate Purpose Bonds, which is a 20 year obligation. We received five bids on Series 2016B, the winning bidder, Bank of America Merrill Lynch, with a true interest cost of 2.45%. The overall interest rate ended up being approximately \$270,000 less in cost than what we originally showed in the planning document.

Mann stated the third issue was for \$4,695,000 of Taxable General Obligation Community Development Bonds with a 15 year term. We received seven bids, the winning bidder being Piper Jaffrey & Co., with a blended rate of 2.05%. This resulted in approximately \$250,000 less in overall costs.

**16-0316A**

04/12/2016 9:03:39 PM

Motion by Nutting, second by Mielke to adopt a resolution of the Finance Committee awarding the Sale of \$8,825,000 General Obligation Promissory Notes, Series 2016A.

*Roll Call Vote:*

Yes Votes: 11      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**16-0316B**

04/12/2016 9:05:41 PM

Motion by Rasmussen, second by Neal to adopt a Resolution of the Finance Committee awarding the Sale of \$6,630,000 General Obligation Corporate Purpose Bonds, 2016B.

*Roll Call Vote:*

Yes Votes: 11      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES

4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**16-0316C**

04/12/2016 9:06:43 PM

Motion by Neal, second by Wagner to adopt a Resolution of the Finance Committee awarding the Sale of \$4,755,000 Taxable General Obligation Community Development Bonds, Series 2016C

*Roll Call Vote:*

Yes Votes: 11      No Votes: 0      Abstain: 0      Not Voting: 0      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**Public Comment or Suggestions (for items not appearing on the agenda).**

- 1) Deb Ryan, 702 Elm St, spoke regarding the investigation and filed some of her documents with the clerk. She indicated she heard that the downtown garbage was being picked up by DPW staff because the downtown was not covered in the contract. She felt that it was outrageous and that it should have been disclosed in early January.
- 2) Maryanne Groat clarified all of the residential in the downtown would not qualify for pickup because they have too many apartments along with commercial composition. She noted DPW has not been picking up residential garbage downtown, but they have been picking up from the containers on the street that the trucks can't pick up. She indicated she will be bringing a different type of automated container for the downtown streets to Public Health & Safety Committee to consider.

**Awards & Comments (Mayor Tipple)**

Mayor Tipple presented plaques for distinguished public service to outgoing Council members Bill Nagle - District 1; Keene Winters – District 6; David Oberbeck – District 9. Tipple noted Rob Mielke –District 11, was also outgoing as an Aldersperson but will be incoming as Mayor Elect on April 19, 2016.

Rob Mielke, Council President, presented outgoing Mayor Tipple with a plaque of appreciation for his 12 years of service. Mayor Tipple made his final comments to the Council, staff, and public.

**Adjourn**

Motion by Mielke, second by Oberbeck to adjourn. Motion carried unanimously. Meeting adjourned at 9:25 pm.

James E. Tipple, Mayor  
Toni Rayala, City Clerk